## IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

JESSICA SMITH-HOPPER,	)
Plaintiff,	) )
<b>v.</b>	) )
CLEARWATER PAPER CORP.,	) C.A. No. 1:20-CV-00384
Defendant.	) )
	, ) )
	<i>)</i> )

## DEFENDANT'S MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT

COMES NOW Defendant Clearwater Paper Corp. ("Defendant"), through the undersigned counsel, pursuant to Federal Rules of Civil Procedure 6, 7, and 12 and Local Civil Rules 6.1 and 7.1, and files this Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint. In support of this Motion, Defendant states as follows:

- 1. Plaintiff filed this lawsuit on December 18, 2020. (Doc No. 1). Defendant registered agent was served with the Summons and Complaint on or about December 28, 2020 and the Summons and Complaint were received by Defendant on or about December 29, 2020. Accordingly, Defendant's responsive pleading deadline is currently January 18, 2021.
- 2. Defendant needs additional time to investigate the allegations set forth in Plaintiff's Complaint and to prepare an appropriate response to the same. Accordingly, Defendant requests a thirty (30) day extension up to and including February 17, 2021 to answer or otherwise respond to Plaintiff's Complaint.

- 4. Defendant has not previously filed a motion for extension of time to answer or otherwise respond to Plaintiff's Complaint. This motion is being asserted in good-faith and not for purposes of undue delay.
- 5. Defendant's counsel has consulted with Plaintiff's counsel, and he has consented to the requested extension up to and including February 17, 2021.
  - 6. A proposed order is submitted herewith.

WHEREFORE, Defendant respectfully requests an extension of time up to and including February 17, 2021, in which to answer or otherwise respond to Plaintiff's Complaint.

Respectfully submitted this 7th day of January, 2021.

/s/Akya S. Rice

Kelly S. Hughes, NC #33439 Akya S. Rice, NC #54655 Attorneys for Defendant OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. 201 South College Street, Suite 2300 Charlotte, NC 28244

Telephone: 704-342-2588 Facsimile: 704-342-4379

Email: kelly.hughes@ogletree.com akya.rice@ogletree.com

## **CERTIFICATE OF SERVICE**

I, Kelly S. Hughes, hereby certify that on this day, January 7th, 2021, I electronically filed the foregoing **DEFENDANT'S CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND OR OTHERWISE PLEAD** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Craig L. Leis, NC #48582
Phillip J. Gibbons, JR., NC #50276
Corey M. Stanton, NC #56255
GIBBONS LEIS, PLLC
14045 Ballantyne Corporate Place, Suite 325
Charlotte, NC 28277
Telephone: 704.612.0038
Email: <a href="mailto:craig@gibbonleis.com">craig@gibbonleis.com</a>
phil@gibbonsleis.com

<u>corey@gibbonsleis.com</u> Attorneys for Plaintiff

/s/Kelly S. Hughes

Kelly S. Hughes
NC Bar # 33439
Attorney for Defendant
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
201 South College Street, Suite 2300
Charlotte, NC 28244

Telephone: 704-342-2588 Facsimile: 704-342-4379

Email: Kelly.Hughes@ogletree.com